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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/626,939

07/25/2003

Roberto Gonzalez Gonzalez

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EXAMINER

RODRIGUEZ, JOSEPH C

ART UNIT

PAPER NUMBER

3653

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/626,939	<b>Applicant(s)</b> GONZALEZ ET AL.	
	<b>Examiner</b> Joseph C. Rodriguez	<b>Art Unit</b> 3653	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-25 and 27-40 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25, 27-29 and 31-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                               | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                      | 5) <input type="checkbox"/> Notice of Informal Patent Application                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-9, 12-19, 21-23, 31-34 and 36-38 are rejected under 35 U.S.C. 102(b) as being anticipated by Chung (US 4,822,025).

Regarding claims 1-3, 5, 12-19, 21-22, 31-32, 34, 37, Chung (Fig. 1-6) teaches a printing apparatus for distributing print media comprising

an image-forming device (Fig. 2),

at least one input roller (Fig. 3, near 1) that transports the print media to a staging location (sheet supporting surface in 2) the accumulator,

an accumulator (guide 2; col. 3, ln. 23-32 wherein side brackets are capable of registering sheets during the pivoting movement) pivotable about an axis (8), the accumulator having a print media inlet (right fig. 4) and a print media outlet (left near trays in fig. 4),

an actuator (motor 6) configured to pivot the accumulator about the axis, and

a first output bin and a second output bin aligned to receive print media discharged from the accumulator; and the first output bin and the second output bin are stationary relative to the axis (Fig. 3-6, first and second bin can be regarded as any adjacent output trays). Further, Applicant is respectfully reminded that claim language

Art Unit: 3653

consisting of functional language and/or intended use phrasing is given little, if any, patentable weight as the apparatus must merely be capable of functioning, or being used, as claimed. See MPEP 2112.02, 2114. Here, the accumulator taught by Chung is certainly capable of accumulating a plurality of sheets of a print media.

Regarding claims 4, 33, Applicant is respectfully reminded that the material or article worked upon by the apparatus does not limit apparatus claims. See MPEP 2115. Thus, the surface area of the staging location can be regarded as less than the size of the print media.

Regarding claims 6, 9, Chung teaches a movable belt (Fig. 3, belt 10) having a protrusion (portion of belt surrounding driving roller 3) that indirectly engages the print media and dispenses the print media through the print media outlet and out of the accumulator.

Regarding claims 7, 8, 36, Chung teaches using a sensor to activate feed rollers and the actuator operable after a set number of sheets to coordinate the movement of print media through the accumulator (col. 2, ln. 65-col. 4, ln. 15), thus a controller coupled to the actuator can be regarded as inherent.

Regarding claims 23, 38, the accumulator is regarded as sized such that at least a first portion of a sheet of the print media is supported by the accumulator and at least a second portion of a sheet of the print media is supported by the first output bin during accumulation of the print media.

Claims 1-5, 12-17, 20-25 and 27-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Kokubo et al. ("Kokubo")(US 4,431,178).

Regarding claims 24, 25 and 27-29, Kokubo (Fig. 1) teaches a method for distributing print media comprising:

- aligning an accumulator (7) with a first location (upper position with 7 aligned with output tray 11);

- receiving a plurality of sheets of a print media sequentially through an inlet of the accumulator (col. 1, ln. 16-57 showing input rollers);

- accumulating the plurality of sheets of the print media in the accumulator before dispensing the print media through an outlet of the accumulator (Id.);

- dispensing the print media through the an outlet of the accumulator at the first location (to output tray 11);

- rotating the accumulator about an axis of rotation to align the accumulator with a second location (when dispensing to the second reject bin 9);

- further comprising, supporting a portion of the print media on a staging location in the accumulator (col. 1, ln. 16-57 implicit from operation of device wherein staging location is area next to registering surface 6);

- transporting the sheets of the print media from the inlet of the accumulator to a staging location in the accumulator prior to dispensing the sheets of the print media (Id.);

- registering the sheets of the print media after the sheets of the print media is transported to the staging location (each sheet is registered against plate 6);

finishing the registered sheets of the print media in the staging location with a finishing device (plate 6 operates by pushing the sheets towards output tray 11 thus the movement towards the output tray can be regarded as a finishing step and a motor for the actuator and finisher can be regarded as inherent).

Regarding claims 1-5, 12-17, 20-23, the device features have been noted above or are otherwise apparent from figure 1. Further, Applicant is respectfully reminded that the material or article worked upon by the apparatus does not limit apparatus claims. See MPEP 2115. Thus, the sizing of the accumulator in relation to a sheet has no patentable weight as sheet sizes vary.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6, 9, 10 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chung in view of Mestre (US 3,356,362).

Chung as set forth above teaches all that is claimed except for expressly teaching a gear assembly for transferring rotational movement from the motor to the accumulator. Further, under an alternative interpretation, an engaging conveyor belt may not be taught. These features, however, are well known in the sheet feeding arts.

Art Unit: 3653

For instance, Mestre teaches a pivotable accumulator with the claimed features (Fig. 1, gearing assembly; Fig. 3, protrusions 97; col. 4, ln. 20-63). Moreover, these features can be regarded as recognized equivalents to the features taught by Chung. Therefore, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the invention of Chung with the gearing and conveyor features taught by Mestre as these features are art recognized equivalents. See MPEP 2144.06.

Claims 11, 20, 29 and 39-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chung in view of Mandel et al. ("Mandel")(US 5,382,012).

Chung as set forth above teaches all that is claimed except for expressly teaching a registration roller that moves the print media against a registration wall to align an edge of the print media and a finishing device disposed inside the accumulator to perform a finishing operation on the print media. These features, however, are also well known in the sheet feeding arts. For instance, Mandel teaches a mailboxing sheet system with these features (Fig. 1-3; col. 5, ln. 40-55, col. 10, ln. 56-col. 12, ln. 24 teaching longitudinal and lateral registration using rollers and stapler 97 for compiling). Here, the steps of integrated, automated registration and compiling provide the common-sense benefit of saving the user time from performing a manual task. Moreover, Mandel expressly teaches that these features are applicable to a pivotal sheet stacker system as taught by Chung (col. 8, ln. 9-col. 9, ln. 12). Therefore, it would

Art Unit: 3653

have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the invention of Chung as taught above.

### ***Response to Arguments***

Applicant's arguments that the prior art fails to teach the claimed features are unpersuasive. In particular, Applicant argues that the prior art fails to teach an accumulator. Here, Applicant is respectfully reminded that claim language is interpreted as broadly as reason allows and that it is not unreasonable to interpret the guide taught by Chung as an accumulator as the guide of Chung is certainly capable of functioning as an accumulator of several sheets. Moreover, Applicant's arguments are moot in view of the newly applied prior art reference. Consequently, as the prior undermines Applicant's arguments, the claims stand rejected.

### ***Allowable Subject Matter***

Claim 30 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

Any references not explicitly discussed above but made of record are considered relevant to the prosecution of the instant application.



Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Joseph C Rodriguez** whose telephone number is **571-272-6942** (M-F, 9 am – 6 pm, EST). The Supervisory Examiner is Patrick Mackey, **571-272-6916**.

The **Official** fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

The examiner's **UNOFFICIAL Personal fax number** is **571-273-6942**.

Further, information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system.

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For more information about the PAIR system, see

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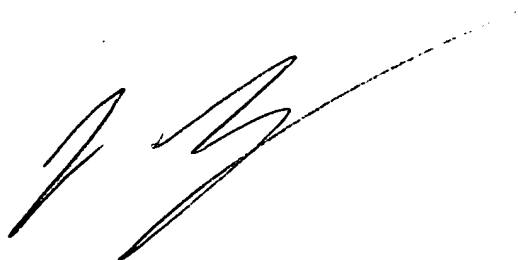
Should you have questions on access to the Private PMR system, contact the Electronic Business Center (EBC) at **866-217-9197** (Toll Free).

Signed by Examiner Joseph Rodriguez

Jcr

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January 5, 2007

A handwritten signature in black ink, appearing to be 'JCR', is written over a faint, light-colored signature line.